



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,697	05/29/2001	Takehiro Yoshida	35.C15377	5737

5514 7590 12/29/2004

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

SAFAIPOUR, HOUSHANG

ART UNIT PAPER NUMBER

2622

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/865,697	YOSHIDA, TAKEHIRO	
	Examiner	Art Unit	
	Houshang Safaipoor	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 May 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/23/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Yutaka Kido (JP 11-17877).

Regarding claim 1, Yutaka Kido discloses a facsimile apparatus for reading image data of a both-side original and transmitting it, comprising: reading means for reading images on both sides of the original; discriminating means for discriminating whether effective image data is included on both sides of the original read by said reading means or not; and control means for executing a both-side transmission of the image data read from the both sides of the original if it is determined by said discriminating means that at least one sheet of original in which the effective image data is included on the both sides exists, and executing a one-side transmission of the image data read from a front side of the original in the other cases (pages 7-13).

Regarding claim 2, Yutaka Kido discloses an apparatus according to claim 1, wherein even if at least one sheet of original in which the effective image data is included on the both sides exists, when a receiver on a partner side does not have a both-side transmission mode, only the sides including the effective image data are transmitted in order from the front side and a reverse side by using a one-side transmitting procedure (pages 7-13).

Art Unit: 2622

Regarding claim 3, Yutaka Kido discloses, an apparatus according to claim 1, further comprising operating means for designating a compulsory front side reading mode for reading only the image on the front side of the original, wherein when said compulsory front side reading mode is selected by said operating means, even if at least one sheet of original in which the effective image data is included on the both sides exists, only the front side of the original is read and the read image data is transmitted in a one-side mode (pages 7-13).

Regarding claim 4, Yutaka Kido discloses a control method of a facsimile apparatus for reading image data of a both-side original and transmitting it, comprising: a discriminating step of discriminating whether effective image data is included on both sides of the read original or not; and a control step of executing a both-side transmission of the image data read from the both sides of the original if it is determined by said discriminating step that at least one sheet of original in which the effective image data is included on the both sides exists, and executing a one-side transmission of the image data read from a front side of the original in the other cases (pages 7-13).

Regarding claim 5, Yutaka Kido discloses a method according to claim 4, wherein even if at least one sheet of original in which the effective image data is included on the both sides exists, when a receiver on a partner side does not have a both-side transmission mode, only the sides including the effective image data are transmitted in order from the front side and a reverse side by using a one-side transmitting procedure (pages 7-13).

Regarding claim 6, Yutaka Kido discloses a method according to claim 4, wherein when a compulsory front side reading mode for reading only a image on the front side of the original is selected, even if at least one sheet of original in which the effective image data is included on the

Art Unit: 2622

both sides exists, only the front side of the original is read and the read image data is transmitted in a one-side mode (pages 7-13).

Regarding claims 7-9, arguments analogous to those presented for claims 1-4 are applicable to claims 7-9.


Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Houshang Safaipoor whose telephone number is (703)306-4037. The examiner can normally be reached on Mon.-Thurs. from 6:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L Coles, Sr. can be reached on (703)305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Houshang Safaipoor
Patent Examiner
Art Unit 2622
December 24, 2004


EDWARD COLES
SUPERVISOR
TECHNOLOGY EXAMINER
DEC 24 2004